

Serial No. 10/726,962

PATENT

REMARKS

In the Office action of April 2, 2008, claims 28 to 34 were pending of which claims 28 to 34 were rejected.

In particular :

- Claim rejections were raised under 35 U.S.C. 112 against claims 28 and 34.
- Claims 28 to 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (US 7,147,656) in view of Hartley et al (US 6,939,370).

CLAIM AMENDMENTS

Claim 28 is amended to clearly specify that the deployment device mentioned in line 2 is the deployment device mentioned in line 1. Claim 28 is also amended to more clearly specify that the central portion of the prosthesis is releasably mounted to the manipulator and not to some other component.

Claim 34 has had its dependency changed to depend from claim 30 in which both the barbs and the uncovered stent are mentioned.

We submit that in making these amendments no new subject matter has been added.

DISCUSSION

Prior Art Rejections

Claim 28

Claim 28 defines an assembly of a deployment device and a prosthesis with a specific set of features. These features include a specific arrangement where the prosthesis is releasably mounted to the deployment device in three places as follows;

- the central portion of the prosthesis is releasably mounted to the manipulator

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- the proximal end of the prosthesis is fastened to the distal end of the deployment catheter, and
- the distal end of the prosthesis is fastened to the nose cone dilator.

This particular arrangement enables the prosthesis to be manipulated during deployment.

The reference Andreas (US 7,147,656) does not teach a releasable retention at three points but only at one point. The stent delivery catheter (10) of Andreas has an outer catheter (32) to which the prosthesis (30) is connected at what is termed in Andreas the "fixed end" of the prosthesis. There is no other connection of the prosthesis with any portion the stent delivery catheter.

The Examiner has suggested that the "central portion of the prosthesis is releasably mounted to the manipulator". With respect, this is clearly not the case. At column 2 lines 57 it is stated that

"The remainder of the prosthesis which remains in its narrow diameter configuration is held within a passage or lumen of a delivery catheter, and means are provided for pushing the "advancable end" of the prosthesis which is in the lumen forwardly relative to the fixed end. In this way, the leading edge of the prosthesis moves forward continuously relative to the fixed end as it everts radially outwardly."

The remainder of the prosthesis, other than the fixed end is "held" in the lumen of the delivery catheter but is not fastened to any place. In fact, what might be termed the central portion of the prosthesis slides over the middle tube (34) as it is everted out of the lumen between the middle tube and the inner tube (36). The other end of the prosthesis of Andreas is also not connected to any portion of the delivery device. The quite clear illustration in the sequence of drawings Fig 2A to 2C of Andreas shows that the braided prosthesis is moving with respect to both the middle tube and the inner tube. It is not fastened to either of these.

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For these reasons we submit that there is no teaching or suggestion in Andreas of mounting a prosthesis at multiple points so that these points are separately movable. Separately movable can include rotation, for instance, and as there is no fastening of the prosthesis in Andreas other than at the fixed end then portions other than the fixed end could not be rotated.

We further draw the Examiners attention to the construction of the deployment device as claimed in Claim 28 of the present application. In this claim there is defined a central catheter, a deployment catheter co-axially around the central catheter and a manipulator coaxially around the deployment catheter. Each of the deployment catheter and the manipulator are defined in Claim 28 as being slidable longitudinally with respect to the portion of the device upon which it is mounted.

Three separate components are described in Andreas. One end of the stent of Andreas is mounted to the outermost component which is referred to as "outer tube 32". This outer tube is not movable with respect to the other tubes; it remains stationary while the other tubes are moved. The outermost component in the present invention is the manipulator of Claim 28 and this component is movable with respect to the next component in.

Whereas in Claim 28 it is the central portion of the prosthesis which is releasably mounted to the manipulator, as is discussed above in detail, in Andreas it is one of the ends which is fixed to the outer tube.

For these reasons we submit that there is no teaching or suggestion in Andreas of mounting a central portion of a prosthesis to an outermost slidable component so as to be separately movable.

The reference Hartley et al (US 6,939,370) also does not teach or suggest mounting a prosthesis at multiple points including a central portion of the prosthesis so as to be separately movable nor does it teach or suggest that there are three separately movable components with portions of the prosthesis releasably mounted to each them respectively.

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We submit that Claim 28 is patentable over Andreas (US 7,147,656) in view of Hartley et al (US 6,939,370).

Claims 29 to 34

Claims 29 to 34 depend from Claim 28 and, as discussed above, claim 28 is patentable over Andreas (US 7,147,656) in view of Hartley et al (US 6,939,370) and hence Claims 29 to 34 are also patentable over Andreas (US 7,147,656) in view of Hartley et al (US 6,939,370).

The reexamination and reconsideration of this application is respectfully requested, and it is further requested that the application be passed to issue.

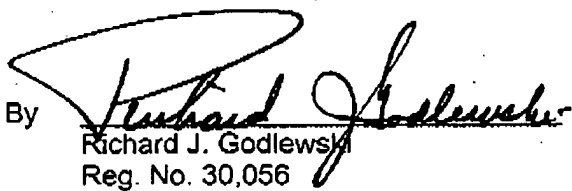
Although the foregoing discussion is believed to be dispositive of the issues in this case, applicants' attorney requests a telephone interview with the Examiner to further discuss any unresolved issues remaining after the Examiner's consideration of this amendment.

Respectfully submitted,

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